

Room 656, Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast BT4 3SB
Telephone: 028 90 37 8510
Email: AgriFood.BrexitLegislation@daera-ni.gov.uk

23 November 2018

Dear Consultee,

Consultation on the draft Agriculture (Miscellaneous Amendments) Regulations (Northern Ireland) 2019 and the draft Residues (Charges and Examination) (Amendment) Regulations (Northern Ireland) 2019.

I am writing to invite your comments on the above draft legislation which would make minor amendments to a number of pieces of domestic Northern Ireland legislation.

Background

The European Communities Act 1972 (the ECA) confers powers upon DAERA to give effect to EU Regulations that do not otherwise come into direct effect in UK law. This provision enables the UK (and NI where devolved) to implement EU law through domestic legislation. It is under the ECA that DAERA makes domestic legislation to enforce EU law.

It is necessary to make a small number of minor changes to the existing domestic legislation before the day that the UK leaves the EU, because the European Union (Withdrawal) Act 2018 will repeal the ECA on that day and the powers to make such changes. The proposed Regulations make a small number of minor drafting amendments that would normally be made when the legislation was otherwise being updated. The proposed amendments will simply update out-of-date EU references before any future Exit Day, when such amendments will no longer be possible.

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It is proposed to make two separate pieces of legislation, namely The Agriculture (Miscellaneous Amendments) Regulations (Northern Ireland) 2019 and the Residues (Charges and Examination) (Amendment) Regulations (Northern Ireland) 2019.

As some of the legislation that is being amended within these draft Regulations relates to food, this consultation is being carried out as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council, laying down the general principles and requirements of food law.

The draft Agriculture (Miscellaneous Amendments) Regulations (Northern Ireland) 2019 amend five pieces of Northern Ireland domestic legislation that implement or enforce EU rules. These are:

- The Eggs and Chicks Regulations (Northern Ireland) 2010;
- The Poultrymeat Regulations (Northern Ireland) 2011;
- The Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014;
- The Common Agricultural Policy Basic payment and Support Schemes Regulations (Northern Ireland) 2015;
- The Single Common Market Organisation (Exceptional Adjustment Aid) Regulations (Northern Ireland) 2017.

The draft Residues (Charges and Examination) (Amendment) Regulations (Northern Ireland) 2019 amends two pieces of domestic legislation relating to residues, namely:

- The Charges for Residues Surveillance Regulations (Northern Ireland) 2010
- The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016.

Neither of the proposed Regulations seek to introduce any change in policy and they have no substantive impact in themselves. They simply make minor drafting amendments such as updating references to updated European Commission Decisions or Directives.

This consultation is separate to the consultation exercise that is being undertaken in relation to the draft Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU

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Exit) Regulations 2019, which will make changes under powers in the EU (Withdrawal) Act 2018 to deal with issues of operability as a consequence of the UK leaving the EU.

Impacts

On the basis that the draft legislation does not introduce new policy, and makes only minor drafting amendments which have no impact on society generally, it has been concluded that the Regulations do not have any equality or human rights implications. A Rural Needs Impact Assessment has also been carried out which has concluded that there is no differential impact upon citizens in rural areas.

The draft Regulations, the equality and human rights screening assessment and Rural Needs Impact Assessment can be found at: <https://www.daera-ni.gov.uk/consultations>

If you would like to comment in relation to these documents, please reply by 21 December 2018 to:

AgriFood.BrexitLegislation@daera-ni.gov.uk or by post to:

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Copies of the consultation document can also be made available, on request, in alternative formats e.g. in large print, Braille disc, audio cassette and other languages. Please contact Darren Beggs on 02890 525031 or, for those with hearing difficulties, leave a message on the Department's text phone (18001 028 9052 5031).

Yours sincerely,



JOHN TERRINGTON

Agri-Food Brexit Policy II

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Confidentiality of Consultations

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely the Department in this case. This includes information provided in response to a consultation. The Department cannot automatically consider information supplied to it in response to a consultation to be confidential. However, it does have a responsibility to decide whether any information provided by you in response to a consultation, including information about your identity, should be made public or be treated as confidential. If you do not wish information about your identity to be made public please include an explanation in your response. However, please be aware that confidentiality cannot be guaranteed, except in very particular circumstances. The Department will process your personal data in accordance with the Data Protection Act 1998, should you respond in an individual capacity. This means that your personal information will not be disclosed to third parties should you request confidentiality. You should be aware that the Department will publish a synopsis of responses to the consultation.

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